

REMARKS

Claims 1, 4-7 and 8-15 inclusive remain in the present application. Claims 1-5 and 7-13 stand as rejected under 35 U.S.C. §102(e) over Betting et al., and claims 1, 2, 7, and 11 are rejected under 35 U.S.C. §102(b) over Esso Production GB patent 1103130. Claims 6 and 13 stand as rejected under 35 U.S.C. §103(a). Claim 13 is also objected to due to a typographical error.

Rejection under 35 U.S.C. §102(e)

The reference over which the present claims are rejected is described as "Betting et al.". From the USPTO 1449 forms and PTO 892 it appears that the reference referred to is US patent 6,524,368, which issued from US patent application 09/223,884. This reference has the same priority date as the present patent application. Thus, it is not prior art against the present patent application. .

Rejection under 35 U.S.C. §102(e)

Claims 1-5, 7-11 and 13-15 stand as rejected under 35 U.S.C. §102(e) based on WO 99/01194. This is not a U.S. patent or patent application. Rejection based on this reference under 35 U.S.C. §102(e) is therefore not proper. Recent amendments to section 102(e) may be less than clear, but section 706.02(a) of the MPEP, explaining application of the amended section 102(e), makes it clear that a reference under 35 U.S.C. §102(e) must be "a U.S. Patent or SIR with a filing date earlier than the effective date of the application". The WO publication is not a US patent or patent application. This rejection is therefore respectfully traversed and withdrawal thereof is respectfully requested.

Rejection under 35 U.S.C. §103(a)

Rejection under 35 U.S.C. §103(a) is based on WO 99/01194, and on this publication in view of Chatterji et al. et al. For the reasons given above, WO 99/01194 is not prior art against the present application, and therefore this rejection is respectfully traversed and withdrawal thereof is respectfully requested.

Provisional Rejection Under the Judicially Created Doctrine of Obviousness-Type Double Patenting

Claims of the present application stand as provisionally rejected over US patent application No. 09/869,632. Applicant, upon indication that the claims of the scope of the present claims are patentable subject matter, provide a terminal disclaimer with respect to Application No. 09/869,634. Applicant therefore respectfully requests that this rejection be held in abeyance.

Each of the rejections being traversed, allowance of the present claims is respectfully requested. If the Examiner would like to speak with applicant's representative, please feel free to contact Del Christensen at (713) 241-3997.

Respectfully submitted,

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enclosures- petition for one month extension of time